



PATENT

Docket M 6353 HST-CCAE-ALLUBE

O. Gayen
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11/12/01Mail Post Office to Addressee Mailing Label Number EL540740318US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of Elizondo et al.

Serial No. 09/238,790

Filed: January 28, 1999

Examiner: Gakh, Yelena G.

Art Unit: 1743

For: METHOD FOR MEASURING THE CONCENTRATION OF BODYMAKER LUBRICANT IN
BODYMAKER COOLANT**RESPONSE TO OFFICE ACTION**Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action mailed September 29, 2000 and in accordance with the accompanying request, please convert this application to a Statutory Invention Registration. Below are responses to the rejections under 35 U.S.C. § 112 made in the Office Action to which this paper is responsive. It is believed that no other response is required, in view of the requested conversion to an SIR.

Remarks

In the Office Action, the examiner rejected under 35 U.S.C. § 112, second paragraph, all of the claims then pending in the application after the examiner's withdrawal of some of the claims as drawn to an unelected invention. The examiner asserted bases for these rejections as set forth below. For the reasons given below in consideration of each basis, it is believed and respectfully urged that the rejection was unwarranted by any law or regulation and therefore should not bar the issuance of this application as an SIR.

The examiner first asserted that, "Claim 1 recites 'a third mixture having a pH value' (step (IV) second line) without specifying any pH value. The pH value is defined only when evaluating a total amount of neutral boric-acid-freeing substance (step (IV), (1), (2)). Also, it is not clear how the amount of the substance can have properties."

To deal first with the last of the immediately preceding quoted sentences, an amount of a substance is a sample or example of the substance. Therefore, it necessarily and inherently has all properties of the substance. (It may have additional mathematical properties because it is an

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